

**CALIFORNIA BUILDING STANDARDS COMMISSION
MEETING MINUTES**

July 22, 2014 – 10:00 a.m.

1. CALL TO ORDER

Chair Batjer called the meeting to order at 10:00 a.m. at Department of Consumer Affairs, 1625 North Market Boulevard, First Floor Hearing Room, Sacramento, California 95834.

ROLL CALL

Commissioners Present:

Secretary Marybel Batjer, Chair
Steven Winkel, Vice-Chair
James Barthman
D. Malcolm Carson
Elley Klausbruckner
Sheila Lee
Cheryl Roberts
Kent Sasaki
Richard Sierra

Also Present:

Jim McGowan, Executive Director
Michael Nearman, Deputy Executive Director
Misty Brooks
Alex Holt – DGS Staff Attorney
Mia Marvelli
Leann Pressley
Alex Hunter

Chair Batjer welcomed everyone and called the meeting to order.

She announced that a quorum was present.

PLEDGE OF ALLEGIANCE

Commissioner Sierra led the Commission in the Pledge of Allegiance.

2. APPROVAL OF THE APRIL 22, 2014 MEETING MINUTES

MOTION: Commissioner Sierra moved to approve the April 22, 2014 Meeting Minutes. Vice-Chair Winkel seconded. Motion passed unanimously.

3. PROPOSED CODE ADOPTION AND APPROVALS

Chair Batjer read an explanatory paragraph for the public regarding the meeting's proceedings. Chair provided the updated website for information relating to the rulemaking packages:

www.bsc.ca.gov/rulemaking/adoptcycle/CommissionMeetingReview.aspx

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- a) **California Building Standards Commission (BSC 01/13):** Proposed adoption of amendments to the 2013 California Administrative Code, Part 1, Title 24, California Code of Regulations.
- b) **California Building Standards Commission (BSC 02/13):** Proposed adoption of amendments to the 2013 California Building Code, Part 2, Title 24, California Code of Regulations.
- c) **California Building Standards Commission (BSC 03/13):** Proposed adoption of amendments to the 2013 California Electrical Code, Part 3, Title 24, California Code of Regulations.
- d) **California Building Standards Commission (BSC 05/13):** Proposed adoption of amendments to the 2013 California Plumbing Code, Part 5, Title 24, California Code of Regulations.
- e) **California Building Standards Commission (BSC 06/13):** Proposed adoption of amendments to the 2013 California Green Building Standards Code (CALGreen), Part 11, Title 24, California Code of Regulations.

Chair Batjer stated that the Commission would combine Items 3a) through 3e) and receive testimony on the proposed rulemakings jointly. The Commission would also take action on these items jointly.

Michael Nearman, Deputy Executive Director, California Building Standards Commission (CBSC) and Mia Marvelli, Associate Architect, CBSC, presented the CBSC's proposals for the Title 24 updates.

- Mr. Nearman stated that in the early part of the cycle, the CBSC Ad Hoc Code Advisory Committee (CAC) reviewed most of the provisions, while the Green CAC reviewed Part 11. The CACs then made recommendations to the agency. The 45-day comment period for rulemakings reviewed by the Ad Hoc CAC and the Green CAC ran from April 25-June 9. The comments were processed through the rulemaking provisions.
- Ms. Marvelli explained Part 1 of Title 24, the California Administrative Code. The CBSC made minor amendments; the majority of the updates were without regulatory effect. A clarification was made to the table showing the CBSC Administration Special Revolving Fund heard at the March 18th Ad Hoc CAC meeting. The Ad Hoc CAC recommended approval as submitted. There were no public comments in opposition and no comments requesting amendments.
- Mr. Nearman explained that for Part 2 of Title 24, California Building Code Chapter 19, Section 1905.1.9 was amended. It concerned consistency within the American Concrete Institute (ACI) 318 - 2011 edition of the standard. The CBSC proposed to amend the necessary provisions of the ACI standard to be consistent with the 2011 edition and other agencies prior adoption.
- Ms. Marvelli explained that Part 3 of Title 24 is based on the 2011 National Electrical Code. The CBSC proposed an amendment to Article 625 regarding electrical vehicle (EV) charging systems, to provide clarity and consistency for

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implementation, enforcement and application. There were no comments received during the 45-day public comment period.

- Mr. Nearman explained that for Part 5 of Title 24, the CBSC proposed to include additional information as a note within Chapter 4, Section 403. The note is related to Senate Bill 407 (Padilla) (Chapter 587, Statutes of 2009). It requires the replacement of non-compliant plumbing fixtures in all existing commercial real property by January 1, 2017. It also mandates the replacement of non-compliant plumbing fixtures in non-residential buildings on and after January 1, 2014. There were no comments received during the 45-day public comment period.
- Mr. Nearman explained that for Part 11 of Title 24, the amendments include proposals to the bicycle parking provisions, to repeal the performance approach in indoor water reduction; and to amend the code sections for indoor water use by extracting the fixture flow rates from the tables into a separate code section, and adjusting the fixture flow rate percentages in the voluntary tiers.

The CBSC also proposed to amend references for the carpet and resilient flooring systems, and to update references to the Solar Reflectance Index (SRI) values within the voluntary measures.

- Ms. Marvelli provided details on the EV (electric vehicle) provisions. The new mandatory building standards are proposing to promote EV use. CBSC was proposing mandatory measures to install EV infrastructure in new construction, thereby supporting Governor Brown's efforts as well as the California Air Resources Board goals for reducing greenhouse gas emissions.

Assembly Bill 1092, (Chapter 410, Statutes of 2013), directs the CBSC to develop EV standards for non-residential development for adoption in the next triennial edition. In advance of the enactment of this bill, the CBSC conducted workshops in the fall of 2013, during which the CBSC was successful in coordinating with various groups; CBSC developed language and presented it to the Green Code Advisory Committee in March 2014, which recommended approval on the EV items. During the 45-day public comment period, two comments were received. One was incorporated; it concerned exceptions in the design of the infrastructure.

- Mr. Nearman noted that for Part 5, the CBSC had followed suit from the Plumbing Code proposal within the CALGreen code related to plumbing fixtures and the bill that passed that determined their flow rates. The CALGreen code was also modified; a similar note was added to the Civil Code to direct the reader to the CALGreen code for triggers on those provisions.

A number of plumbing manufacturers had responded. They voiced concern about the tier level options – the reduced flow percentages for the tiers and the difficulty of obtaining some of those flow rates because of the new baseline flow rates in the code.

At this point, the CBSC has not accepted the comments – they are looking to the next triennial cycle to further amend the tiers, in order to assist users in applying those tier options if they can find ways to further reduce flow.

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Commissioner Comments and Questions

Commissioner Klausbruckner commented regarding Part 3. Under the Economic Impact Statement, the installation cost for EV stations is about \$1300 - \$2000; but there is no reference to an annual ongoing cost. Ms. Marvelli responded that the proposed language concerns the infrastructure install only.

Commissioner Lee also asked a question regarding Part 3. Would mixed-use buildings (commercial/residential) have to comply with Table 5.106.5.3.3 showing non-residential mandatory requirements? Ms. Marvelli answered that the Building Official would be asked whether the parking area is meant for residents only or for non-residential visitors.

Commissioner Lee asked about Note #3 in the same table. She was not able to access the site via the link, and asked if it is normal practice to reference websites in this way in the code. Ms. Marvelli responded that there are other references to support documents in the code. The CALGreen code has a few places pointing the user to websites. Staff will look into why this website reference did not work.

Public Comment

Matthew Hargrove, California Business Properties Association and California Building Industry Association, spoke in support of the EV piece on both the commercial and the residential sides.

MOTION: Commissioner Barthman moved to adopt the amendments to Parts #1, 2, 3, 5, and 11 of the California Building Standards Code, Title 24. Commissioner Sierra seconded. Motion passed unanimously.

- f) California Department of Public Health (CDPH 01/13):** Proposed adoption of amendments to the 2013 California Building Code, California Amendment Chapter 31B – Public Pools, Part 2, Title 24, California Code of Regulations.

Eric Trevina, Senior Environmental Scientist, CDPH, read from a prepared statement that detailed CDPH's recent actions regarding the proposal and requesting its approval.

MOTION: Commissioner Sierra moved to adopt Item 3f).
Commissioner Klausbruckner seconded. Motion passed unanimously.

- g) Department of Housing and Community Development (HCD 02/13):**
Proposed adoption of amendments to the 2013 California Building Code, Part 2, Title 24, California Code of Regulations.
- h) Department of Housing and Community Development (HCD 03/13):**
Proposed adoption of amendments to the 2013 California Electrical Code, Part 3, Title 24, California Code of Regulations.
- i) Department of Housing and Community Development (HCD 01/13):**
Proposed adoption of amendments to the 2013 California Plumbing Code, Part 5, Title 24, California Code of Regulations.

Chair Batjer stated that testimony for Items 3g) through 3i) would be combined, with testimony on the proposed rulemakings heard jointly and action taken collectively by the Commission.

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Shawn Huff, HCD Assistant Deputy Director, read from a prepared statement that all of HCD's rulemaking packages have undergone substantial internal review and analysis.

Kyle Krause, HCD Code & Standards Administrator, introduced the items that went before the Ad Hoc Advisory Committee on March 18: Part 2 excluding Chapter 11A (Housing Accessibility), Part 3 – the California Electrical Code, and Part 5 – the California Plumbing Code.

MOTION: Commissioner Sierra moved to adopt Items 3g) through 3i).
Commissioner Sasaki seconded. Motion passed unanimously.

j) Department of Housing and Community Development (HCD 05/13):

Proposed adoption of amendments to the 2013 California Green Building Standards Code (CALGreen), Part 11, Title 24, California Code of Regulations.

Emily Withers, HCD, read a prepared statement and proposed a floor amendment concerning Item #2 – the definition for *small solar photovoltaic for PV system*. She also stated that CBSC's goals and objectives for EV charging are the same as HCD's. Ms. Withers then explained the substantive portions of the CALGreen proposal.

The new proposed definition for small solar photovoltaic for PV system reads: *a solar photovoltaic system with a maximum power output of 10 kilowatts*.

Commissioner Comments and Questions

Commissioner Lee asked about Item 7, #3: Even inside a residential garage, must a 5' aisle be provided? Ms. Withers replied that this item applies to multi-family dwelling units. HCD had actually separated these regulations into two. One section applies to one- and two-family homes and townhomes with attached garages; the other section applies to multi-family dwellings. Commissioner Lee believes that this needs to be clarified – the common area is not inside a garage.

Vice-Chair Winkel asked about the same item. Is accessibility the intent of the 5' in that space? Ms. Withers responded that it is similar to accessibility, but HCD is accommodating the fact that with EV charging, the ports can be located on the front, sides, or back of the vehicle.

Vice-Chair Winkel asked about any accessibility signage criteria for the 5' aisle. Why did HCD not choose a van space? Mr. Huff responded by referring to a memorandum sent by HCD and the Deputy Director to the CBSC: they have provided the regulations such that the 5' access aisle can be used by both an accessible vehicle and an EV for charging.

Vice-Chair Winkel felt that what is created is an almost-accessible space. He asked about any marking criteria – hashing or color – for the 5' aisle. Mr. Huff replied that HCD had not addressed that issue yet. The legal staff's analysis was that this was infrastructure; HCD was providing a usable space for everyone at this time. HCD will be working with the Division of the State Architect (DSA) and CBSC for the 2015 code, at which time accessibility language with more specificity will be included.

Vice-Chair Winkel felt that if this is basically an infrastructure in a space allocation, it would have made sense to allocate it in the least restrictive area. Mr. Huff responded that

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based on the analysis and the federal Fair Housing Amendments Act, the 8' space was not a requirement. HCD believed that generally on the smaller projects, the van space will be utilized because the EV charging space will be next to it for reasons of layout and design – those slope and cross-slope areas are already contained.

Commissioner Carson noted that many members of the disability community had commented on Item 7 and possibly Item 6. He asked if a disabled person driving an electric van would reasonably be able to use the chargers. Ms. Withers stated that there are very few vans that would need this service. For EVs, the charge ports could be in different areas; it is hard to gauge where the difficulties would be.

Mr. Huff stated that there would be no physical requirement for the charger at this time. This proposal involves infrastructure; during the next rulemaking cycle, they will be able to clarify the space allocation. HCD is looking at the charging space as a fueling station rather than a parking facility.

Commissioner Sasaki ascertained with Mr. Huff that if the charger was installed at a later date, the accessibility rules of Chapter 11A would apply. Mr. Huff confirmed accessibility rules would apply and clarified that this is a design issue also. HCD is ensuring that the design is considered from the inception of the project; they believe that the EV charging space can be incorporated into an accessible design. At this point, the unknown that HCD faces is all the different types of chargers available, their functionality, the changes they will undergo over time, and so on.

Commissioner Sierra sought to ensure that we are meeting the minimum criteria at the outset, so that when we do roll out the full implementation of the charging station, all needs are addressed. Mr. Huff explained that we are dealing with two different federal bodies of law: the Fair Housing Amendments Act and the Americans with Disabilities Act. The former has no requirements – only a recommendation – for the 8' van-accessible space. HCD is also separating this as a charging facility rather than a parking space; for this reason HCD is comfortable that it is not violating federal law in what it is trying to achieve.

Commissioner Sierra emphasized that he wanted to ensure free and unimpeded access for the disabled community to personal vehicles and vans.

Vice-Chair Winkel commented that HCD is wrestling with a very difficult set of overlapping public policies. He was also acutely aware of the requirements for EV access. If we are laying out general parameters for space, it is better to have a loose fit than a tight one. In this case, 3' are in question ($9+5=14$ versus $12+5=17$) as the allowance for a parking space. In view of the accessibility requirements, he felt that choosing the narrower space was a mistake.

Vice-Chair Winkel also expressed concern that the space would be considered a parking space by developers and a fueling station for the parking count.

Commissioner Lee suggested, for the next code cycle, that HCD review the Bay Area ICC Tri-Chapter guidelines for building departments.

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Public Comment

Ms. Kelsea Jones, California Solar Energy Industries Association (CALSEIA), spoke in strong support of Item 3j). That organization felt it imperative for these regulations to align with the current efforts to streamline permitting, underway at the Governor's Office of Resource and Planning and the Legislature.

Mr. Hargrove thanked the staff for their strong support of the item.

Ms. Jessie Lorenze, Executive Director, Independent Living Resource Center of San Francisco, commended the Commissioners for their thoughtful dialogue around this issue. She hoped that they would challenge the Department to investigate this issue further.

Mr. Richard Skaff, Executive Director, Designing Accessible Communities, a non-profit organization stated that the phone line had not been accessible that morning to people who are hearing-disabled; that creates a legal issue. Further, during the meetings that HCD had held, the disabled community had not been allowed to participate and bring up various matters regarding this item. He expressed other concerns about the accessibility issue with regard to the state government's actions pertaining to EV charging stations.

Chair Batjer asked CBSC Legal Counsel, Mr. Holtz, if a 3' change in the charging station space from that which had been discussed would be a material change in the rulemaking. Mr. Holtz stated he believed the change would require public comment. Vice-Chair Winkel asked about separating out a single item for further study while approving the rest of the package. Mr. McGowan, Executive Director, stated that it would be possible. Additional discussion amongst the commissioners continued.

MOTION: Vice-Chair Winkel moved to approve Item 3j), with the exception of #7 on Final Express Terms, page 415. Commissioner Barthman seconded.

(The Commissioners continued discussion on Item 3j).)

Commissioner Lee pointed out that for #8 of Item 3j), the accessibility requirement is already being met. She did not believe that Commissioner Winkel's proposed change made that much of a difference. Vice-Chair Winkel believed that #7 and #8 are meant to be taken together, and only the verbiage in #7 needed an amendment.

Commissioner Lee surmised that HCD is making a first attempt for people to install EV charging stations and also provide accessibility. This is not the only item for which HCD needs to work out the details.

Chair Batjer asked that Mr. Huff address the commissioner's comments.

Mr. Huff said that there will be other people who need to comment on this, as far as the additional space being requested. Based on the vehicles available on the market today, HCD still believes that the 5' access aisle that can be shared, or the 1 and 8 that we currently have, will provide the additional level of accessibility that Vice-Chair Winkel is seeking.

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Commissioner Carson stated that #8 of Item 3j) seems to imply that the EV charging station must be next to an accessible parking space or an accessible route. That this seems to read as either / or. Mr. Huff confirmed that Commissioner Carson was correct.

Commissioner Sasaki asked whether the wording of the Motion needed to specify that #7 of 3j) be sent back for further study on the dimensions given in subsection 2 (from 9' to 12'). Mr. Holtz believed that the change was material and that HCD would have to make the determination on whether to assign a 15-day or a 45-day comment period, based on whether the change is substantive or non-substantive.

Mr. Huff stated that he believed that the change would likely require a 45-day comment period, and may require an updating of the form 399 (Economic and Fiscal Impact Statement) analysis.

Chair Batjer state that we should take a vote on item 3j) as amended.

Mr. McGowan stated that there were three things happening with item 3j):

- The consideration of Item 3j) as a whole.
- The floor amendment that HCD proposed with respect to #2 of Item 3j).
- The Commission's consideration of #7 of Item 3j).

Chair Batjer summarized the motion as she believed it would go forward.

Vice Chair Winkel clarified his motion: to adopt Item 3j) with the proposed floor amendment from HCD relative to small solar photovoltaic systems in Section 202, and to remove #7 for further consideration as the sole item excluded from the motion.

MOTION (con't): Vice-Chair Winkel moved to approve Item 3j), with the exception of #7 on Final Express Terms, page 415. Commissioner Barthman seconded. Motion passed with six in favor and two opposed.

Chair Batjer asked that a roll-call vote be taken. The roll-call vote was taken by Misty Brooks. Results were:

Commissioner Barthman – Yes

Commissioner Winkel – Yes

Commissioner Sierra – Yes

Commissioner Klausbruckner – No

Commissioner Lee – No

Commissioner Carson – Yes

Commissioner Sasaki – Yes

Commissioner Roberts – Yes (Amended at the October 21, 2014 meeting)

Commissioner Sasaki asked when the Commission would see Item 3j) #7 for a vote. Mr. McGowan replied that it would depend on whether HCD assigns a 45-day comment period; the Commission's next meeting is tentatively scheduled for October 22. Mr. Huff

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added that HCD needs to decide whether to go forward with the package or to withdraw it; they may wait for 2015.

k) Department of Housing and Community Development (HCD 04/13):

Proposed adoption of amended access compliance provisions to the 2013 California Building Code, Chapter 11A, California Building Code, Part 2, Title 24, California Code of Regulations.

Mr. Kyle Krause explained the item. For Chapter 11A, the HCD proposal is a continuation of work that began during the 2012 Triennial Code Adoption Cycle. It was based on DSA's complete reorganization of Chapter 11B. The end goal was to provide clear and consistent language allowing design professionals and enforcing officials to ensure that intended recipients are provided comfort and usability in the built environment.

Vice-Chair Winkel sought to ensure what the Commission was voting on. For #7 – 1113A, in the Final Express Terms, people submitting comments had shown some concern about the 4.2% slope. 1113A.1.2 surface cross slopes had been stricken. Mr. Winkel ascertained with Mr. Krause that this verbiage had been stricken. Mr. Krause confirmed this was correct.

Public Comment

Mr. Richard Skaff commented that many members of the disability community had attempted to participate in the HCD process, but were given only two options – to state yea or nay – but not to suggest ideas. He asked that the item be disapproved because the disability community had not been able to participate.

Chair Batjer stated again that she would look into the accessibility of this meeting and will speak to HCD about the same.

Vice Chair Winkel asked about page 8 of 52, 1113A.5, the deletion of the smooth surface at the bottom of a gate; was it covered elsewhere? Stoyan Bumbalov, HCD District Representative, replied that the same text appears in the correct section.

Commissioner Carson asked whether we wanted HCD to respond to the comments made by Mr. Skaff; Chair Batjer stated that as she stated earlier, she would speak to the Director at HCD asked whether HCD would like to respond.

Mr. Shawn Huff stated that some of Mr. Skaff's accusations were a mischaracterization of HCD's process during the past rulemaking. He described the process and summarized the outcome. He expressed dismay that there were three commenters with only one person from the disabled community commenting during the 45-day period.

Commissioner Sierra expressed appreciation for the level of professionalism with which staff does outreach to ensure that everyone is engaged.

MOTION: Commissioner Sierra moved to approve Item 3k).
Commissioner Lee seconded. Motion passed unanimously.

l) Division of the State Architect - Access Compliance (DSA-AC 01/13):

Proposed adoption of amended access compliance provisions to the 2013

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California Building Code, Chapter 11B, California Building Code, Part 2, Title 24, California Code of Regulations.

Mr. Bob Chase, Deputy State Architect, introduced Dennis Corelis and Derek Shaw of the DSA. Mr. Corelis introduced the process DSA used to develop the package. He stressed that the DSA Advisory Board Access Committee had met three times during the past cycle, with a special meeting to discuss the Governor's offices accessibility guidelines. They also make sure their meetings are fully accessible, and believe that they provided adequate opportunity for all stakeholders to comment.

Of the 55 items before the Commissioners, DSA has withdrawn seven for further study as a response to comments they have received.

For the next code cycle, DSA will be convening a focus group on the regulations for EV charging stations. Public hearings will be held prior to the formal building standards process, which will begin sometime in May 2015.

There is a major initiative, based on comments in the previous code cycle, for destination-oriented elevators. DSA worked very closely with the disability community in the city of San Francisco using their local ordinance as the basis for these regulations. DSA has also met extensively with the industry and toured facilities in San Francisco with existing installations.

DSA is proposing an initiative for variable message signs as well. They are using language from the American National Standards Institute (ANSI) standard and have arranged to deal with the copyright issues concerning the International Code Council (ICC).

Commissioner Comments and Questions

Vice-Chair Winkel asked about the changes in some of the rules for dining surfaces and counters and it was his understanding that this was withdrawn. Mr. Corelis confirmed that they have been withdrawn for further study.

Commissioner Lee asked about installing EV charging stations in any commercial building parking spaces – is there no accessibility requirement with which to comply? Mr. Corelis responded that when building a new facility or altering an existing facility with an installation of equipment, you must comply with the new construction requirements. However, the installation of the charging stations is currently optional.

Commissioner Lee asked if there is any regulation for where to install the EV charging station – at regular parking spaces rather than accessible parking spaces? Mr. Corelis replied that there are no explicit scoping requirements that give direction. It is one of the issues DSA will have to deal with. DSA's target is the Triennial for the 2016 cycle of the California Building Code.

Mr. Chase stated that there will probably be some cross-referencing. While the EV station will likely be part of the CALGreen Code, it will need to cross-reference back to 11B or 11A.

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Commissioner Roberts confirmed with Mr. Corelis that with the Commission's vote to approve Item 3j), which includes #8, it would help to ensure that as some of the charging stations are installed, they are next to an accessible space or within an accessible route.

Commissioner Sierra asked Alex Holtz, CBSC Legal Counsel, if he knew of any law or statute now on the books mandating implementation of the EV fueling stations; Mr. Holtz responded that he did not. Mr. Holtz clarified that the decision on this rulemaking to approve, disapprove or return for further study is based upon the rulemaking file in front of the commission at this time.

Public Comment

Ms. Jessie Lorenze spoke about the development of cell phone accessibility since 2007 for the visually impaired. She supported the general package of recommendations regarding destination dispatch elevators, with the exception of the placement of the accessibility key: it should not be limited to one side of the touchscreen – the top of the touchscreen poses no significant barrier.

Mr. Vincent Robibero, Schindler Elevator Corporation, explained the functionality of elevator accessibility. He requested for the Commission to consider modifying the current proposed language to state that the accessibility button be located on the perimeter of the touchscreen.

Vice-Chair Winkel clarified with Mr. Robibero that the section in question was 11B-411.2.1.3.2. Touch Screen Call Cancel Arrangement.

Mr. Richard Skaff agreed with the issues of the touchscreen – the newest addition to destination-based elevator systems. The touchscreen is going to be changing dramatically. He hoped that DSA and the Commission will be able to respond quickly with code changes that incorporate the upcoming design features.

Ms. Sharon Toji, Access Communications and am a member of the DSA Access Committee member, and the Commission's Accessibility Code Advisory Committee. Ms. Toji stated that her concern is the significant lowering of access for people with communications-based disabilities, mainly the visually impaired. It is a major issue, located in 11B-216. She requested for a task force to address the exceptions she has brought forward for months, particularly the evacuation plan, and schedule them seriously for the next code cycle.

Mr. Brandon Castillo, KONE Elevators, agreed with the suggestions Mr. Robibero had given regarding the orientation of the accessibility function button – it should be located on the perimeter. He commented regarding destination indicators, Section 411.4.11 - the previous character size requirement had been 5/8". This had been consistent with national code ADA and ANSI 117.1 for characters at or below the 72" mark. He asked for clarity on the DSA rationale.

Ms. Ida Clair, DSA Senior Architect, explained the considerations for the increase in height. Ms. Clair explained that the increase in height had to do with some considerations;. First it can't exceed the 80" height requirement; secondly, destination floor indicator tried to maintain established standards compromised on 1" size; in a crowded elevator persons would be able to recognize the height of the character. Mr.

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Corelis explained that the 1" figure had been a compromise between the 2" requested in comments from the visually impaired and the 5/8" standard.

Mr. Richard Skaff expressed concern with 11B-705.1.1.3.2 relating to detectable warning surfaces. He explained the preference of people with limited vision, as well as the general public, for the color yellow. Yet planners and public works agency staff object to that color on the basis of aesthetics. The colors red, blue, black, and dark gray are being installed with the 70% visual contrast being tested during the day, not at night or in the rain.

Mr. Derek Shaw, Senior Architect with DSA, responded with an explanation of the technical requirements for the placement of detectable warnings based on the location. For transit boarding platforms and hazardous vehicular areas, they have long been required to be yellow. For detectable warnings at curb ramps, contrast is the driving technical requirement. The current proposal does not change this two-part color requirement; in fact, it has been carried forward with additional clarifications. At this point DSA is not ready to mandate that all detectable warnings be yellow.

Mr. Richard Skaff responded that the parking lot issue has gone unresolved for years, at both DSA and HCD. These items are life-safety matters. Mr. Skaff summarized his understanding of the history on this matter and asked that the matter be sent back for further discussion.

Mr. Walter Park, President of the San Francisco Access Appeals Commission, stated that he was generally pleased with the destination elevators language. The touchscreen displays do require a contrast, but the minimum standard has been left out; it should be 300 to 1. Regarding the function key, if it can be placed all around the perimeter, the blind person does not know where to search for it. For mechanical keypads, the location (above) should remain the same, for touchscreens, perhaps anywhere on the perimeter will work.

Ms. Sharon Toji commented on the contrast issue. She is a member of the ANSI Contrast Committee; every time they get the issue passed by a majority, it has been shot-down by designers who do not want any contrast standards. The contrast issue comes up in detectable warnings and stair striping. It is another area where a task force is warranted.

Commissioner Sierra asked DSA staff about coming up with a rule in which federal yellow is the standardized color for detectable warnings. Mr. Shaw answered that with regard to the Building Code, it is no trouble – they can write a proposal and have it approved or not-approved by the Commission. There are major ramifications, however. Throughout the state there is a large installed base of detectable warnings of other various colors. DSA did receive many comments making this request.

MOTION: Commissioner Lee moved to approve Item 3l).
Commissioner Klausbruckner seconded. Motion passed with one
abstention.

Commissioner Barthman recommended making yellow the standard. It would not be retroactive – any future installations would be this color. Mr. Shaw agreed, and pointed out that the requirements of Chapter 11 pertain to alterations. In future code cycles we may indeed reach the yellow detectable warning requirement. Chair Batjer and

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Commissioner Barthman agreed that DSA should look at the issue; more discussion is needed with stakeholders. Vice-Chair Winkel asked DSA staff whether there was an industry standard or reliable method for measuring contrast that everyone recognizes? Mr. Shaw responded that there is not.

10 Minute Break Taken

Chair Batjer reconvened the meeting and introduced the next agenda items 3m) through 3n) to be considered by the Commission.

- m) Division of the State Architect – Structural Safety (DSA-SS 01/13):** Proposed adoption of amendments to the 2013 California Administrative Code, Part 1, Title 24, California Code of Regulations.
- n) Division of the State Architect – Structural Safety (DSA-SS 02/13):** Proposed adoption of amendments to the 2013 California Green Building Standards Code (CALGreen), Part 11, Title 24, California Code of Regulations.

Mr. Derek Shaw stated that DSA would withdraw Items 3m) and 3n). Although vetted, DSA did not have the necessary signed Form 399 - Economic and Fiscal Impact Statements to complete the rulemaking.

Chair Batjer stated that the Commission would combine Items 3o) through 3r) and receive testimony on the proposed rulemakings jointly. The Commission would also take action on these items collectively.

- o) Office of Statewide Health Planning and Development (OSHDP 01/13):** Proposed adoption of amendments to the 2013 California Building Code, Part 2, (Non-Structural) Volume 1, Title 24, California Code of Regulations.
- p) Office of Statewide Health Planning and Development (OSHDP 02/13):** Proposed adoption of amendments to the 2013 California Building Code, Part 2, (Structural) Volume 2, Title 24, California Code of Regulations.
- q) Office of Statewide Health Planning and Development (OSHDP 03/13):** Proposed adoption of amendments to the 2013 California Electrical Code, Part 3, Title 24, California Code of Regulations.
- r) Office of Statewide Health Planning and Development (OSHDP 04/13):** Proposed adoption of amendments to the 2013 California Plumbing Code, Part 5, Title 24, California Code of Regulations.

Mr. Glenn Gall, Regional Supervisor, OSHPD Building Standards Unit; and Mohammad Karim, Regional Supervisor, OSHPD Structural Support Unit presented the changes. Mr. Gall stated that many of the changes this cycle were maintenance: editorial and “catch-up” from the provisions adopted into the 2013 code standards.

There were two items of note. The provision of writing surfaces in exam rooms was changed to recognize electronic medical records; and the control standards for sinks

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added clarification on the instances when either manual controls or sensor-operated fixtures on hand wash fixtures can be used.

OSHPD also made amendments to the OSHPD 2 standards for Skilled Nursing Facilities, in response to legislation that established a pilot program for Small House Skilled Nursing Facilities.

Mr. Karim explained that structuring changes were intended to provide flexibility to Skilled Nursing Facilities and Psychiatric Facilities in equipment installation. In the last change, many buildings are being decommissioned from the General Acute Care Facility because of the Seismic Compliance Requirement under SB 1953. OSHPD addressed the issue of how to dispose of those buildings.

Public Comment

Mr. Richard Skaff commented on the item regarding hand washing fixtures, stating that nothing was addressed in terms of accessibility and provided examples of instances where accessibility was not addressed. He also brought up that members of the disability community must look at proposed code on their own time, while the industry has paid lobbyists to do that work. Mr. Skaff believes there is a very unequal ability of the disability community to manage the process. This was the first time he'd had an opportunity to review OSHPD's proposal because he doesn't have time. Chair Batjer interjected that his comments are more appropriate to be heard at Section 5 of the agenda.

Mr. Gall responded that OSHPD worked fairly closely with DSA on the 2013 cycle when they brought forward the 2010 ADA language. Section 11B-805 deals with medical facilities; the California language makes clear that all hand wash facilities need to be made accessible. Currently there are not enough manufacturers making products that can truly be deemed accessible.

MOTION: Commissioner Barthman moved to approve Items 3o) through 3r). Commissioner Sierra seconded. Motion passed unanimously.

Chair Batjer stated that the Commission would combine Items 3s) through 3u) and receive testimony on the proposed rulemakings jointly. The Commission would also take action on these items collectively.

- s) **Office of the State Fire Marshal (SFM 01/13):** Proposed adoption of amendments to the 2013 California Building Code, Part 2, Title 24, California Code of Regulations.
- t) **Office of the State Fire Marshal (SFM 02/13):** Proposed adoption of amendments to the 2013 California Residential Code, Part 2.5, Title 24, California Code of Regulations.
- u) **Office of the State Fire Marshal (SFM 03/13):** Proposed adoption of amendments to the 2013 California Fire Code, Part 9, Title 24, California Code of Regulations.

Mr. Kevin Reinertson, SFM Division Chief, and Mr. Andrew Henning, Deputy State Fire Marshall, SFM Code Development and Analysis Division, presented the items.

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Mr. Reinertson explained that Part 2 and Part 9 were mostly editorial and provided clarification. There were also some more significant items:

- Item 1 makes national standards available for the 86 new hydrogen fueling stations being installed in the state.
- One item makes clarifications to solar photovoltaic code by bringing forward national-level code.
- Item 10 fixes model codes regarding smoke and heat vents for Group F1 and S1 occupancies, and repeals existing amendments to go with national model codes.
- One item makes permanent the emergency regulations from the last Commission hearing for the adoption of the proposed effective date of January 1, 2015 for the implementation of UL 1703 for solar photovoltaic system fire classification.
- The adoption of NFPA 502, which addresses tunnels, is significant to SFM and CalTrans.
- Removing existing amendments to go with national standards such as 13D and 13R relevant to anti-freeze; and backflow protection for sprinkler systems in one and two-family dwellings because the Uniform Plumbing Code does not address this item.

Commissioner Comments and Questions

Commissioner Klausbruckner commented that she had spoken previously to Mr. Reinertson and clarified some sections, particularly those regarding smoke and heat vents.

Mr. Reinertson clarified a few things related to smoke and heat application. First of all the application affected who gets affected, is not just the State Fire Marshal regulated occupancies, it applies to all occupancies; second item smoke and heat vent is not just F-1 and S-1 occupancies if you have high-pile storage situation it can apply to retail. The smoke and heat vent do apply to that. Clarified staff's analysis referred to the 2012 IBC should have referred to the 2015 IBC. The State Fire Marshal's Office intended to transfer these provisions for smoke and heat removal which included vents as well as mechanical smoke removal into the California Fire Code effectively adopting these sections early on rather than waiting until 2016. So they have removed a band-aid but putting a more holistic approach or more complete approach to smoke removal. Commissioner Klausbruckner stated that she did check with Mr. Reinertson, and was informed that all the stakeholders are aware of it and wanted to make sure that the firefighters associations, since it is related to smoke and heat vent and smoke and heat removal and this is close to their heart, she wanted to make sure that stakeholders knew about this and were fully aware of it and it has been vetted, so it was mostly editorial and some of the comments were just fine. (Amended at the October 21, 2014 meeting)

She asked about Section 421.5 regarding the ventilation for hydrogen fuel gas rooms – were there specific requirements in the CMC (California Mechanical Code)? Mr. Reinertson replied that they were in Chapter 4, although not related to hydrogen fuel but the ventilation requirements in Chapter 4 of the Uniform Mechanical Code, which is the California Mechanical Code, address those.

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Commissioner Klausbruckner also asked about the calculations for the volume of a room when handling smoke and heat vents. With a dropped ceiling, is the room measured to that or to the bottom of the roof deck? Mr. Reinertson answered that it would be the volume to the ceiling level – the more conservative measurement.

Commissioner Sierra asked about the photovoltaic installations – would applications also apply to a ground-mounted installation adjacent to an inhabited building? Mr. Reinertson stated that ground-mounted solar is addressed in the California Building Code, California Residential Code and California Mechanical Code, but takes you back to Article 690 of the National Electrical Code. It also goes back to the way the enforcing agency looks at the installation.

Public Comment

Mr. Richard Skaff commented that this is a substantial package and in developing this code, OSHPD and SFM had not interacted with the disability community. He reiterated that he and one other person have actively participated in some of the proposed code packages put forward by the five code-writing agencies. They are unable, as volunteers, to manage the task. Chair Batjer reminded Mr. Skaff that his comments would be addressed at Section 4 of the agenda.

MOTION: Commissioner Roberts moved to approve Item 3s) through u).
Commissioner Klausbruckner seconded. Motion passed unanimously.

4. FUTURE AGENDA ITEMS

There were no suggestions from the commissioners on this item.

Public Comment

Ms. Sharon Toji said that as items for a future agenda, she would like to see task forces on contrast, exceptions for signage, and evacuation plans. She would like to see the CBSC take a larger oversight role in these state agencies. She also stated that a better procedure is needed for organizations and individuals to make suggestions for code change.

Chair Batjer assured Ms. Toji that she will discuss these items with staff and affected state departments and agencies.

5. COMMENTS FROM THE PUBLIC ON ISSUES NOT ON THIS AGENDA

Mr. Richard Skaff said that the CBSC posted on its website the report on EV charging stations created by the Governor's Office of Planning and Research, which two of us in the disability community strongly opposed being made public. Now in the state of California there is a massive number of EV charging stations are being installed that are inaccessible. There is within California's government a disconnect with the disability community. In his opinion the process needs to change. Mr. Skaff reiterated his concerns about the volume of materials to be considered.

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Chair Batjer assured Mr. Skaff that she will look into these matters with the different departments and agencies involved. She will also speak to the Office of Planning and Research about Mr. Skaff's concerns about access.

6. ADJOURN

MOTION: Commissioners motioned and seconded to adjourn the meeting. The motion was unanimously approved.

Chair Batjer adjourned the meeting at approximately 2:10 p.m.